IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Crl.Rev.Pet.No. 823 of 2000()

CRA.194/1997 of I ADDL.SESSIONS COURT, ERNAKULAM
CC.45/1996 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

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REVN. PETITIONER/APPELLANT/ACCUSED

SKARIA KURIAN
PROPRIETOR
M/S GLORIA CHURIDHAR COLLECTION
OPP. DWARAKA HOTEL,
M.G.ROAD, KOCHI-16

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS:

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1. SKARIA PROPRIETOR
M/S PRINCE POLYMERS
SANTO GOPALAN ROAD
KOOVAPPADAM, KOCHI-2

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.K. SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Crl. R.P. NO. 823 OF 2000

Dated this the 13th day of September, 2007

ORDER

The petitioner has been convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo R.I for one year and to pay a fine of Rs.8003.70, which is the cheque amount, and in default to undergo S.I for three months. Learned counsel for the petitioner has sought for modification of sentence.

2. The cheque is dated 20.11.95. About 12 years have elapsed. In the above circumstances, the sentence is modified to imprisonment till the rising of the court and to pay compensation of Rs. 15,000/- to the complainant and in default to undergo S.I. for three months. The revision petitioner is granted three months time to remit the compensation amount. Petitioner shall appear before the Judicial First Class Magistrate Court-II, Kochi on 18.12.07 to receive sentence.

The Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.16383/98

JUDGMENT

5TH SEPTEMBER, 2007